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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

In re COHERENT, INC. SHAREHOLDER  
DERIVATIVE ACTION

Lead Case No. C-07-0955-JF

DERIVATIVE ACTION

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**STIPULATION AND ~~[PROPOSED]~~  
ORDER**

ALL ACTIONS.

1 WHEREAS, on January 14, 2009, the Court approved the parties' Stipulation scheduling  
2 the Court's hearing on the defendants' motions to dismiss and the Case Management Conference  
3 in this matter on March 13, 2009; and

4 WHEREAS, the parties remain engaged in active and good faith settlement discussions  
5 with the assistance of the Honorable Howard B. Wiener (Ret.); and

6 WHEREAS, the parties are currently in negotiations regarding a settlement provision that  
7 involves an insurance coverage issue that will require the involvement of the company's  
8 insurance carrier, and believe that a continuance of one additional week will facilitate those  
9 settlement discussions; and

10 WHEREAS, counsel for all parties have agreed to a continuance of the Court's hearing on  
11 the defendants' motions to dismiss and the Case Management Conference, the agreed upon  
12 schedule is not for the purpose of delay, and will not cause prejudice to any party;

13 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs, defendants and the  
14 SLC, through their undersigned counsel, subject to approval of the Court, that the Court's hearing  
15 on defendants' motions to dismiss and the Case Management Conference currently scheduled for  
16 March 13, 2009 should be rescheduled to March 20, 2009, or such other subsequent date as is  
17 convenient for the Court.

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1 IT IS SO STIPULATED.

2 Dated: March 11, 2009

/s/ Kathleen A. Herkenhoff

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1 Dated: March 11, 2009

/s/ Michael C. Tu

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19 Dated: March 11, 2009

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1 Dated: March 11, 2009

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13 Dated: March 11, 2009

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20 Dated: March 11, 2009

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1 Dated: March 11, 2009

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18 Gelber and James L. Hobart

12 I, Michael C. Tu, am the ECF user whose ID and password are being used to file this  
13 Stipulation and [Proposed] Order Extending Time to Respond to Complaint. In compliance with  
14 General Order 45(X), I hereby attest that the other signatories have concurred in this filing.

14 /s/ Michael C. Tu

15 Michael C. Tu

16 **ORDER**

17 Pursuant to the parties' stipulation, IT IS SO ORDERED. The Court's hearing on  
18 defendants' motions to dismiss and the Case Management Conference is rescheduled to March  
19 23, 2009 at 9:00 a.m.  
20 ~~20~~, 2009 at ~~10:30~~ a.m.

21 Dated: 3/12/09

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23 HON. JEREMY FOGEL  
24 UNITED STATES DISTRICT COURT JUDGE  
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